

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

TRUSTEES OF THE BRICKLAYERS	:	Case No. 3:20-cv-398
AND MASONS LOCAL NO. 22	:	
PENSION PLAN,	:	
	:	Judge Michael J. Newman
Plaintiffs,	:	
	:	Magistrate Judge Sharon L. Ovington
vs.	:	
	:	
5 STAR MASONRY LLC,	:	
	:	
Defendant.	:	

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**DECISION & ORDER**

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This matter is before the Court *sua sponte* with regard to this Court's April 28, 2021 Order directing Defendant 5 Star Masonry LLC to Show Cause why it should not be held in contempt for failing to submit to a payroll audit as previously ordered under 29 U.S.C. § 1132(g)(2)(E). (Doc. #21; *see* Doc. #14). Defendant has failed to respond to that Show Cause Order within the time allowed. Accordingly, pursuant to Fed.R. Civ.P. 70(e), 18 U.S.C. § 401, and this Court's inherent authority to enforce its orders, Defendant 5 Star Masonry LLC hereby is HELD IN CONTEMPT of this Court.

Plaintiffs Trustees of the Bricklayers and Masons Local No. 22 Pension Plan hereby are DIRECTED to submit to this Court, within 30 days of the date of this order, a motion for any sanctions that they may request be imposed as a consequence of Defendant's contempt, including documentation supporting any request for attorney's fees, costs, expenses, assessment of damages, or monetary judgment.

Further, this matter is set for an EVIDENTIARY HEARING before this Court on Monday, July 12, 2021 at 10 a.m. for a determination of the sanctions to be imposed against Defendant 5 Star Masonry LLC, at which time Defendant may appear to defend against the sanctions Plaintiffs may request.

SO ORDERED.

May 21, 2021

*s/Sharon L. Ovington*

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Sharon L. Ovington  
United States Magistrate Judge